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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,270	01/25/2005	Valerie Liebhold	PA020014	8778

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EXAMINER	
EKPO, NNENNA NGOZI	
ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/522,270	LIEBHOLD ET AL.	
	Examiner	Art Unit	
	Nnenna N. Ekpo	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgment

1. This Office Action is responsive to the arguments filed on May 2, 2008.

Response to Arguments

2. Applicant's arguments filed 05/02/2008 have been fully considered but they are not persuasive.

3. Applicant argues on pages 5/9+ of applicant's Remarks, that Van Ryzin (U.S. 6,446,080), Shrader (U.S. Pub. No. 2003/0023975) and Chen (U.D. Pub. No. 2004/0148419) does not teach or suggest "displaying in a first area of a screen a representation of at least part of available tracks, displaying in a second area of the screen at least part of the current play list, upon an action introduced by a user, removing, if existing the last occurrence of the track to be considered in the play list displayed in the second area".

4. In response to the arguments, Examiner respectfully disagrees. Schrader et al. discloses "displaying in a first area of a screen (fig 10 (1010)) a representation of at least part of available tracks" (making the video: snoop Dogg, Artist's Favorites: Moby etc) (see fig 10 and paragraph 0098-0099, the user is presented with a play list on one area of the screen).

"Displaying in a second area of the screen (fig 10 (1020)) at least part of the current play list" (see fig 10 and paragraph 0098, on the second area of the screen, another window with the active/selected play list is displayed). Applicant also argues that "available tracks and tracks selected for the play list are not displayed together".

Examiner draws attention to the fact that Schrader et al. discloses the available tracks in fig 10 (1010) and the selected track (1020) e.g. Rock/Pop Red Hot Chill Peppers… is displayed adjacent to the available tracks on the same screen.

Applicant also argues that Van Ryzin et al. does not teach or disclose "upon an action introduced by a user, removing, if existing the last occurrence of the track to be considered in the play list displayed in the second area".

Examiner also disagrees and draws attention to the fact that Van Ryzin et al. teaches this limitation on col. 5, lines 20-46 especially from lines 40-46. Selecting tracks is considered the first action introduced by the user, deleting any track is considered the second action introduced by the user. Based on the user's preference, the user is given the opportunity to delete any tracks (first, second etc or last track) as the user desires. Therefore, the combination of the reference reads on the cited claim limitation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin et al. (U.S. Patent No. 6,446,080) in view of Schrader et al. (U.S. Publication No. 2003/0023975) and Chen et al. (U.S. Publication Number 2004/0148419).

Regarding **claims 1, 4 and 10**, Van Ryzin et al. discloses a method for modifying a play list in an audio and/or video apparatus, comprising the steps of (see abstract, lines 1-17):

upon an action introduced by a user, removing, if existing, the last occurrence of the track to be considered in the play list displayed in an area (see fig 6 (45) and col. 5, lines 20-46).

However, Van Ryzin et al. fails to specifically disclose displaying in a first area of a screen a representation of at least part of available tracks,

displaying in a second area of the screen at least part of the current play list,

determining a track to be considered upon a first action introduced by a user,

indicating the track to be considered by a specific representation in the first area of the track to be considered, and

a second user.

Schrader et al. discloses displaying in a first area (see fig 101010)) of a screen a representation of at least part of available tracks (making the video: snoop Dogg, Artist's Favorites: Moby etc) (see fig 10 and paragraph 0099),

displaying in a second area (see fig 10 (1020)) of the screen at least part of the current play list (see fig 10 and paragraph 0098),

determining a track (see fig 9 (much music rock blocks)) to be considered upon a first action introduced by a user (see fig 9, paragraph 0007, lines 12-15),

indicating the track to be considered by a specific representation in the first area (fig 9 (910)) of the track to be considered (see fig 9, paragraph 0094).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Van Ryzin et al.'s invention with the above mentioned limitation as taught by Schrader et al. for the advantage of enabling multiple viewers to simultaneously experience completely different video and audio streams.

However, Van Ryzin et al. and Schrader et al. fails to specifically disclose a second user.

Chen et al. discloses a second user (see paragraph 0129, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Van Ryzin et al. and Schrader et al.'s invention with the above mentioned limitation as taught by Chen et al. for the advantage of participating in an interactive environment.

Regarding **claim 7**, Van Ryzin et al. discloses an audio and or video apparatus having a media reader to read a medium where the data are organized in tracks (see col. 6, lines 38-42 and fig 2), and a memory able to store a play list (see col. 3, lines 2-5), comprising:

control means for removing, if existing, the last occurrence of the track to be considered in the play list upon receiving a signal introduced by the user from the user interface (see fig 6 (45) and col. 5, lines 20-46).

However, Van Ryzin et al. fails to specifically disclose video means generating video signals defining a screen with a first area displaying a representation of at least part of the tracks and a second area displaying at least part of the play list,

a user interface for receiving a first signal determining a track to be considered,

wherein the video means are meant to indicate the track to be considered by generating video signals defining a specific representation in the first area of the track to be considered.

Schrader et al. discloses video means generating video signals defining a screen with a first area (see fig 101010)) displaying a representation of at least part of the tracks (making the video: snoop Dogg, Artist's Favorites: Moby etc) (see fig 10 and paragraph 0099) and a second area (see fig 10 (1020)) displaying at least part of the play list (see fig 10 and paragraph 0098),

a user interface for receiving a first signal determining a track (see fig 9 (much music rock blocks)) to be considered (see fig 9, paragraph 0007, lines 12-15),

wherein the video means are meant to indicate the track to be considered by generating video signals defining a specific representation in the first area (fig 9 (910)) of the track to be considered (see fig 9, paragraph 0094).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Van Ryzin et al.'s invention with the above mentioned limitation as taught by Schrader et al. for the advantage of enabling multiple viewers to simultaneously experience completely different video and audio streams.

However, Van Ryzin et al. and Schrader et al. fails to specifically disclose a second signal by the user interface.

Chen et al. discloses a second signal by the user interface (see paragraph 0129, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Van Ryzin et al. and Schrader et al.'s invention with the above mentioned limitation as taught by Chen et al. for the advantage of participating in an interactive environment.

Regarding **claims 2, 5 and 8**, Van Ryzin et al., Schrader et al. and Chen et al. discloses everything claimed as applied above (*see claims 1, 4 and 7*).

Schrader et al. discloses a method wherein the first action is action introduced on a remote-control sending signals to the apparatus (see paragraph 0086).

Chen et al. discloses a second user action (see paragraph 0129, lines 1-4).

Regarding **claims 3, 6 and 9**, Van Ryzin et al., Schrader et al. and Chen et al. discloses everything claimed as applied above (*see claims 1, 4 and 7*).

Schrader et al. discloses a method wherein said specific representation of the track to be considered is highlighting the representation in the first area of the track to be considered (see fig 12 (1214) and paragraph 0100).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNE/nne
July 25, 2008.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623